IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2841 OF 2003
IN
SUIT NO.3415 OF 2002

Smt.Sushila S. Singh & Anr. ....Plaintiffs
V/s.
Miss Laxmi S. Singh & Ors. ....Defendants
And
Respondent Nos.1 to 5 ...Respondents

Mr.B.R. Palav i/b Mr.D.M. Manoharan for the Plaintiffs.
None for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 2ND DECEMBER, 2005.

P.C. :

1. The suit is filed for administration of the estate of one Subhash Dhanwant Singh. Plaintiff No.1 is the second wife of the deceased. Plaintiff No.2 is the minor daughter of the deceased and Plaintiff No.1. Defendant Nos.1 and 2 are the daughter of the deceased and his first wife.

2. The deceased died intestated. The parties are therefore,entitled to a share in his estate. Plaintiff No.1 has stated that after the death of the husband, she was forced to marry his brother. Criminal proceedings are pending in that regard. Plaintiff No.1's further case is that she was, upto

8th October, 2003, residing in residential premises with the Defendants. But that she was dispossessed therefrom soon after she obtained ad-interim order on 8th October, 2003. In view of the strained relationship between the parties, it would not even be advisable to permit the Plaintiffs to jointly occupy the said premises.

3. The Respondents are in possession of various properties which form part of the estate of the deceased. The Respondents are paying the licence fees/rent in respect thereof. At present Defendant No.1 collects the same to the exclusion of the Plaintiff. In the circumstances, it is necessary to protect the Plaintiffs' rights therein.

4. In the circumstances, the Notice of Motion is made absolute in terms of prayer (c) except the portion bracketed in blue as per the order dated 8th October, 2003. The Respondents are ordered and directed to pay the amounts in respect of the structures/premises in their occupation as stated in the affidavit in support in this Court. The parties are at liberty to make an application for withdrawal of the same.

5. The Notice of Motion is accordingly disposed of.